

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT K. BROWN,

Defendant.

8:05CR95

ORDER

This matter is before the court on the motion for an extension of time by defendant Robert K., Brown (Brown) (Filing No. 20) and a motion for review of detention (Filing No. 19). Brown seeks an extension of time of thirty days in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 9). Brown also seeks release to a rehabilitation program at the Siena Francis House.

The court has reviewed Brown's letter request for treatment, the Pretrial Services report, and has received the comments of Pretrial Services concerning Brown's request. Brown has a substantial criminal history with five prior felony convictions. Further he has arrests for violations of protective orders and assaultive behavior. The proposed release does not reasonably assure the safety of the community if Brown were released. Brown's motion to review detention will be denied.

Brown's request for additional time in which to file pretrial motions will be granted.

IT IS ORDERED:

1. Brown's motion to review detention (Filing No. 19) is denied.

2. Brown's motion for an extension of time (Filing No. 20) is granted. Defendant Brown until **on or before June 20, 2005**, in which to file pretrial motions pursuant to the progression (Filing No. 9). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of granting of the motion, i.e., the time between **May 19, 2005 and June 20, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the defendant's counsel requires additional time to adequately prepare the case, taking into account the diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge